

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOEL AND MARY RICH,

Plaintiffs,

v.

FOX NEWS NETWORK, LLC, MALIA
ZIMMERMAN, AND ED BUTOWSKY,

Defendants.

Civil Action No. 1:17-cv-02223 (GBD)

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS FOX NEWS NETWORK, LLC, AND MALIA
ZIMMERMAN'S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of Joseph M. Terry, and the exhibits annexed thereto, Defendants Fox News Network, LLC, and Malia Zimmerman, by and through the undersigned counsel, will move this Court, before the Honorable George B. Daniels, United States District Judge, in Courtroom 11A at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10007, on such day and at such time designated by the Court, for an Order dismissing the Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

Respectfully submitted,

s/ Kevin T. Baine

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Attorneys for Malia Zimmerman

DATED: May 7, 2018

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2018, I electronically filed the foregoing Notice of Motion to Dismiss for Failure to State a Claim with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter who are on the CM/ECF system.

s/ Kevin T. Baine
Kevin T. Baine